

# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 52] [नई दिल्ली, सोमवार, अगस्त 27, 1973/भाद्र 5, 1895]  
 No. 52] NEW DELHI, MONDAY, AUGUST 27, 1973/BHADRA 5, 1895

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

## RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 27th August 1973:—

### Bill No. XXVII of 1973

*A Bill further to amend the Industries (Development and Regulation) Act, 1951.*

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Industries (Development and Regulation) Amendment Act, 1973. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. Amendment of section 10.

2. In section 10 of the Industries (Development and Regulation) Act, 1951 (hereinafter referred to as the principal Act),—

(i) in sub-section (3), for the words “containing such particulars as may be prescribed”, the following shall be substituted, namely:—

“containing the productive capacity of the industrial undertaking and such other particulars as may be prescribed”;

and in sub-section (3), the following sub-sections shall be substituted, namely:—

“The owner of every industrial undertaking to whom a certificate of registration has been issued under this section before the commencement of the Industries (Development and Regulation) Amendment Act, 1973, shall, if the undertaking falls within the class of undertakings as the Central Government

may, by notification in the Official Gazette, specify in this behalf, produce, within such period as may be specified in such notification, the certificate of registration for entering therein the productive capacity of the industrial undertaking and other prescribed particulars.

(5) In specifying the productive capacity in any certificate of registration issued under sub-section (3), the Central Government shall take into consideration the productive or installed capacity of the industrial undertaking as specified in the application for registration made under sub-section (1), the level of production immediately before the date on which the application for registration was made under sub-section (1), the level of average annual production during the three years immediately preceding the commencement of the Industries (Development and Regulation) Amendment Act, 1973, the extent to which production during the said period was utilised for export and such other factors as the Central Government may consider relevant.

Amend-  
ment  
of section  
24.

3. In sub-section (1) of section 24 of the principal Act, in clause (i), after the word, brackets and figure "sub-section (1)", where they occur for the first time, the words, brackets and figure "or sub-section (4)" shall be inserted.

Amend-  
ment  
of the  
First  
Schedule.

4. In the First Schedule to the principal Act, under the heading "38. MISCELLANEOUS INDUSTRIES:", the item "Cigarettes," shall be numbered as item (1), and after the item as so numbered, the following item shall be inserted, namely:—

"(2) Linoleum, whether felt based or jute based."

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STATEMENT OF OBJECTS AND REASONS

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At the time of enacting the Industries (Development and Regulation) Act, 1951, it was provided in the Act that the owner of every industrial undertaking which existed at the commencement of the Act shall get the undertaking registered with the Central Government. Such undertakings seeking registration were required to furnish information regarding monthly installed capacity, the number of shifts, number of working days in a month, past production during the last three years, etc. The form of registration certificate issued to the undertaking, which was prescribed under the rules, did not, however, contain any column for specifying the productive capacity. Accordingly, in many cases, the productive capacity of the undertaking was not specified in the registration certificates.

2. It has come to the notice of the Government that certain registered undertakings have increased their production to a much higher level than what was reported by them at the time of registration. Such increases are likely to be detrimental to the interests of the small and medium units as also likely to lead to other adverse results. If such a state of affairs is allowed to continue, the production level of such undertakings will remain indeterminate and cannot be pegged to a specified level as distinguished from the undertakings licensed after the commencement of the Act, for which the specific productive capacities are mentioned in the licence.

3. The Bill, therefore, proposes to empower the Government to call for the registration certificates from any class of undertakings for entering therein the productive capacity of the industrial undertaking and other prescribed particulars. The Bill seeks to provide that for the purpose of specifying the productive capacity, the Central Government shall take into consideration the productive or installed capacity of the industrial undertakings as specified in the application for registration, the level of production immediately before the date on which application for registration was made, the level of average annual production during the three years immediately preceding the commencement of the proposed Amending Act, the level of export and such other factors as the Central Government may consider relevant.

4. It has also been provided in the Bill that failure to produce the registration certificate by any undertaking after the issue of notification in this regard by the Central Government, shall be punishable under the provisions of the Act.

5. "Linoleum, whether felt based or jute based" is an important industry and the item is required both by Government Departments and the public. As such, a scheme of regulation for this industry is necessary on the same basis as other industries covered by the First Schedule to the Act. To enable the Government to do so the Bill provides for the inclusion of the said item in the First Schedule to the Act.

NEW DELHI;  
*The 18th August, 1973.*

C. SUBRAMANIAM

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MEMORANDUM REGARDING DELEGATED LEGISLATION

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Clause 2 of the Bill seeks to amend sub-section (3) of section 10 of the principal Act to include in the certificate of registration to be issued under the sub-section, the productive capacity of the industrial undertaking and such other particulars as may be prescribed by rules to be made under the Act. The particulars, other than productive capacity, which may be included in the certificate of registration are matters of detail and it is hardly possible to specify them in the Bill. The delegation of legislative power is, therefore, of a normal character.

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B. N. BANERJEE,

*Secretary.*